

**UNITED STATES DISTRICT COURT**  
 for the  
**Western District of Pennsylvania**

United States of America )

v. )

) Case No. 11-4M

EMERSON BEGOLLY )

*Defendant(s)*

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 4, 2011 in the county of Clarion in the  
Western District of Pennsylvania, the defendant(s) violated:

*Code Section*

18 USC Sections 111 (a)(1) and (b)  
 and  
 18 USC Section 924(c)(1)(A)(i)

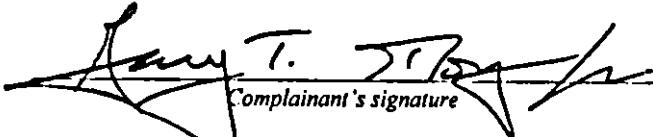
*Offense Description*

Did intentionally and unlawfully forcibly assault and inflict bodily injury upon a person designated in section 1114 of Title 18, United States Code, that is, an officer or an employee of the United States or of any agency in any branch of the United States Government, to wit, two members of the Federal Bureau of Investigation, while those persons were engaged in or on account of the performance of official duties and knowingly did possess a firearm, in furtherance of such crime of violence.

This criminal complaint is based on these facts:

See attached Affidavit.

Continued on the attached sheet.

  
*Gary T. Morgan, Jr.*  
 Complainant's signature  


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GARY T. MORGAN, JR., SPECIAL AGENT  
 Printed name and title

Sworn to before me and signed in my presence.

Date:

Jan. 5, 2011

City and state:

Pittsburgh, Pennsylvania

  
*Ervin S. Swearingen*  
 Judge's signature

Ervin S. Swearingen, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA )  
                            )  
                            )  
v.                        )    Magistrate No. 11-4M  
                            )  
EMERSON BEGOLLY         )

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Special Agent Gary T. Morgan, Jr. having been duly sworn, do hereby depose and state the following:

1. I, Gary T. Morgan, Jr., am a Special Agent of the Federal Bureau of Investigation (FBI), and I have been so employed for approximately seven (7) years. Prior to my current employment, I was an intelligence analyst employed by the DEA for approximately six years. As a Special Agent with the FBI, I am responsible for the investigation of offenses which violate Title 18 of the United States Code.

2. This Affidavit is submitted in support of a Criminal Complaint for Emerson Begolly, charging Begolly with assault on an individual while that individual was engaged in, or on account of, the performance of his official duties with an agency of the United States, to wit: the Federal Bureau of Investigation (FBI), and in the commission of said acts used a deadly or dangerous weapon or inflicted bodily injury upon said FBI agents, in violation of Title 18, United States Code, Sections 111(a) and (b). The Affidavit is also submitted in support of a charge of violating Title 18, United

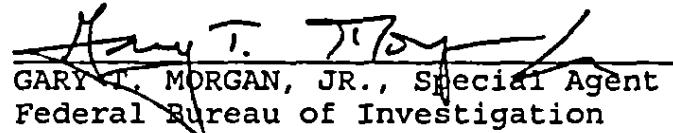
States Code, Section 924(c)(1), possessing a firearm in furtherance of a crime of violence, that is, the assault of the FBI agents. I have not included herein each and every fact known to me in this investigation, but only the facts necessary to support the Complaint. Furthermore, the information set forth herein is based on information received from other agents participating in the investigation.

3. On the morning of January 4, 2011, FBI agents were conducting a criminal investigation in the New Bethlehem, Pennsylvania area. Begolly was a subject of the investigation and the agents had reason to believe that he might be armed. FBI agents approached an automobile in the parking lot of a fast food restaurant in New Bethlehem. Begolly was seated alone in the vehicle in the front passenger seat. One of the agents opened the rear passenger door and identified himself as an FBI agent, and stated "we want to talk to you," or words to that effect. Another agent opened the passenger door where Begolly was sitting. Begolly screamed and immediately reached toward his jacket. The agents believed he was attempting to retrieve a firearm. At that point, the FBI agents attempted to prevent him from obtaining a firearm and a struggle ensued. Agents attempted to control Begolly, Begolly bit both agents and drew blood. They eventually brought him under control. In the part of his jacket for which he was reaching, the agents discovered a loaded 9 millimeter handgun, with

the safety off and a round in the chamber, which had been concealed on Begolly's person. Begolly was then taken into custody.

WHEREFORE, your affiant has probable cause to believe that the defendant, Emerson Begolly, has committed an assault upon employees of the FBI while they were engaged in and on account of their official duties, in violation of Title 18, United States Code, Sections 111(a)(1) and (b), and possessed a firearm in furtherance of a federal crime of violence, in violation of Title 18, United States Code, Section 924(c)(1).

The above information is true and correct to the best of my knowledge, information, and belief.

  
GARY T. MORGAN, JR., Special Agent  
Federal Bureau of Investigation

Sworn to and subscribed to before me  
this 25 day of January, 2011.

  
ERVIN S. SWEARINGEN  
UNITED STATES MAGISTRATE JUDGE